IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

ADVANCEME, INC., **Plaintiff,** **v.** **RAPIDPAY LLC, FIRST FUNDS LLC, MERCHANT MONEY TREE, INC., REACH FINANCIAL, LLC, and FAST TRANSACT, INC. d/b/a SIMPLE CASH,** **Defendants.**	§ § § § § § § § § § § § §	**CASE NO. 6:05-CV-424 (LED – JDL)**
ADVANCEME, INC., **Plaintiff,** **v.** **AMERIMERCHANT, LLC,** **Defendant.**	§ § § § § § § § § §	**CASE NO. 6:06-CV-082 (LED – JDL)** **JURY TRIAL DEMANDED**

AFFIDAVIT OF VIDYA BHAKAR IN SUPPORT OF ADVANCEME, INC.'S EMERGENCY MOTION FOR A PROTECTIVE ORDER IN CONNECTION WITH A SUBPOENA THAT WAS SERVED ON THIRD PARTY JOHN KONOP AND THE SCHEDULING OF HIS DEPOSITION ON FEBRUARY 8, 2007, A DATE THAT COUNSEL FOR ADVANCEME IS UNABLE TO ATTEND

I, Vidya Bhakar, declare as follows:

1. I am an Associate with the law firm of Paul, Hastings, Janofsky & Walker LLP, counsel for plaintiff AdvanceMe, Inc. ("AdvanceMe") in the above-referenced matter. I have personal knowledge of the following facts except as otherwise noted and, if called upon to do so,

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could and would testify competently thereto.

2. On Thursday, February 7, 2007, I am scheduled to conduct a deposition in *Mediatek v. Sanyo*, Civil Case No. 6:05-323 in New York, which is presently pending before Judge Davis.

3. On February 8, 2007, I will be preparing for week-long depositions in Tapei, Taiwan in *Ricoh v. Asustek*, which is currently pending in the Western District of Wisconsin. I will be leaving for Tapei, Taiwan on February 10, 2007 and will return on February 17, 2007.

4. AdvanceMe is not seeking to reschedule Mr. Konop's deposition for any improper purpose.

I swear under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

SIGNED: February 5, 2007

Vidya Bhakar, Bar No. 220210, Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served a copy of this document via the court's CM/ECF system pursuant to Fed.R.Civ.P. 5(d) and Local Rule 5(c) on this the 5th day of February, 2007. Any other counsel of record will be served by first class mail on this same date.

/s/

Robert C. Matz

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for plaintiff AdvanceMe, Inc. has conferred with counsel for Defendants Merchant Money Tree, Inc., First Funds, LLC, Reach Financial, LLC, and AmeriMerchant, LLC in a good faith attempt to resolve the matter of this motion without Court intervention but was unable to reach any agreement. Defendants oppose this motion.

/s/

Robert C. Matz